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The Gazette of Puducherry

PART - II

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GOVERNMENT OF PUDUCHERRY CHIEF SECRETARIAT (EDUCATION)

(G.O. Ms. No. 56, dated 11th September 2015)

ORDER

Imparting quality education, to equip students through various courses, to meet the various challenges of the present world is of prime importance in the higher education field in India today. In this challenging task of higher education, the new concept of establishment of private Universities of high standard and repute is a major milestone. The concept of private Universities has evolved recently in order to set up self-financed private Universities by major organisations and their charity trusts in various States either as multi-domain Universities or as single domain University as the case may be, to impart specialized teaching to bring all round development of students to face the challenges of the new era.

Investment by private educational trusts in higher education and providing a legislation for the same to permit private self-financing Universities will enable this Union Territory to achieve its target of developing it into an educational hub. Government considers this as the right time to implement this progressive framework of private Universities in the Union territory of Puducherry. In order to attract major private entrepreneurs and their charitable trusts to come over to this Union Territory and set up private Universities of specialization in their field of activity, the subject has been considered by the Council of Ministers and a set of rules as “Policy guidelines” to examine various proposals in this regard, which will be submitted to the Government, has been approved. The policy of the Government in this regard is now published as an Annexure to this Government Order for the information of all concerned, specifying various procedures for examining each and every proposal of this kind.

The Lieutenant-Governor, Puducherry is therefore pleased to order the “Policy and guidelines for the establishment and incorporation of private Universities in the Union territory of Puducherry” as annexed to this order for implementation in the Union territory of Puducherry with immediate effect.

(By order of the Lieutenant-Governor)

G. RAGESH CHANDRA, I.A.S.

Secretary to Government (Education).

ANNEXURE

Policy and guidelines for the establishment and incorporation of private Universities in the Union territory of Puducherry

1. *Short title, commencement and application.*— (i) These guidelines may be called the “Guidelines for the Establishment of Private Universities in the Union Territory of Puducherry, 2015”.

(ii) It shall come into force on and from the date of its publication in the Official Gazette of Government of Puducherry.

(iii) It shall extend to the whole of the Union territory of Puducherry.

2. *Definitions.*— In this guidelines, unless the context otherwise requires,—

- (i) “Committee“ means inspection/scrutiny committee constituted for the purpose of examining the proposal;
- (ii) “Compliance report verification committee” means the committee constituted for the purpose of verifying the compliance report submitted by the sponsoring body;
- (iii) “Department” means the Department of Higher and Technical Education, Puducherry;
- (iv) “Government” means the Administrator appointed under Article 239 of the Constitution;
- (v) “In-Principal Approval” means the Letter of Intent issued by the Secretary to Government (Education) with the approval of the Government;
- (vi) “Institution” means any sponsoring body desirous of setting up a private University in the Union territory of Puducherry;
- (vii) “MHRD” means the Ministry of Human Resource Development, Government of India;
- (viii) “NAAC” means the National Assessment and Accreditation Council;
- (ix) “Proposal” means the proposal for the establishment of private University submitted by a sponsoring body;
- (x) “UGC” means the University Grants Commission.

3. *Procedure for submitting proposal.*— Any institution, desirous of setting up a private University shall submit an application to the Director of Higher and Technical Education, Government of Puducherry, alongwith the detailed proposal and a demand draft of ₹ 25,00,000 (Rupees twenty-five lakhs only) drawn in favour of the Director of Higher and Technical Education, Government of Puducherry. The proposal shall contain the following details:-

(i) *Sponsoring body.*— The proposal for the establishment of private University shall be submitted by a sponsoring body. The sponsoring body shall be,-

- (a) a Society registered under the Societies Registration Act, 1860 (Central Act No. 21 of 1860); or

(b) any Public Trust registered under the State Public Trusts Act, or the Indian Trusts Act, 1882 (Central Act No. 2 of 1882) or under the relevant laws in any other State or Union Territory;

(ii) *Furnishing of particulars.*— The proposal must contain the following particulars, namely:—

(a) the details of the sponsoring body alongwith the copies of its registration certificate, constitution and bye-laws;

(b) the name, location and headquarters of the proposed University;

(c) the objectives of the University;

(d) justification regarding the necessity of establishment of the proposed University;

(e) details of whether the private University is proposed to be a domain specific or multi-domain University and in case of multiple domain, details of the specific domain(s) proposed such as Medicine, Engineering, Law, Management, Para-Medical, etc.;

(f) the nature and the type of programmes of study and research proposed to be undertaken by means of Conventional/ Distance/Open/Vocational/Online and any other mode, by the University and their relevance to the development goals and employment needs of the country and the Union territory of Puducherry in particular and phasing of such programmes over the first five years with course-wise enrolment targets;

(g) whether the University proposes to undertake programmes related to local needs. If so, the nature of teaching, training or research activities to be undertaken by the University so as to fulfill this specific objective;

(h) whether the University proposes to start some programmes for the benefit of farmers, women and industries. If so, details thereof;

(i) the proposed fee structure, with and the extent of concessions or rebates in fee or scholarships to the poor students from economically poor or socially backward families, including scheduled castes, scheduled tribes, other backward classes and handicapped students or other such less or under privileged students;

(j) the system proposed to be followed for selecting students for admission to the courses of study at the University;

(k) the experience and expertise in the concerned disciplines at the command of the sponsoring body or its promoters;

(l) availability of academic facilities including teaching and non-teaching staff, if any, at the disposal of sponsoring body;

(m) the system proposed to be followed for appointment of teachers and other employees in the University;

(n) the proof of ownership of land or plans for land procurement and infrastructural development for the proposed University in a phased manner, as also details of buildings and infrastructure facilities, if already possessed by the sponsoring body;

(o) the details of plans for campus development such as construction of buildings, development of structural amenities and infrastructure facilities and procurement of equipment, etc., to be undertaken before the University starts functioning and phased programme for first five years;

(p) details of play grounds and other facilities available or proposed to be created for games and sports and extra-curricular activities like National Cadet Corps, National Service Scheme, Scouts and Guides, etc.;

(q) the phased outlays of capital expenditure proposed for the next five years and its sources of finance;

(r) the estimated recurring expenditure course-wise or activity-wise, sources of finance and estimated expenditure per student;

(s) the scheme for mobilizing resources and the cost of capital thereto and the manner of repayment to such sources;

(t) the scheme for the generation of funds internally through the recovery of fee from students, revenues anticipated from consultancy services and other activities relating to the objects of the University, and other anticipated incomes;

(u) whether University proposes to undertake expansion, if so, details of constituent colleges, off-campus centres within/ outside the State, off-shore campus and study centres proposed to be established as per the pre-requisites and regulations of UGC and other statutory bodies;

(v) the arrangements proposed to be made for academic auditing;

(w) the information regarding financial resources of the sponsoring body or promoters of sponsoring body, alongwith audited accounts for the last year and details of plans for funds to be arranged for the purpose of the private University along with in-principal approval, if any, from financial institutions or third party investors, agreeing to provide the funds;

(x) commitment to follow the norms of the regulating bodies;

(y) such other details as the sponsoring body may like to give;

(z) such other details as may be prescribed.

4. *Examination of proposal.*— (i) The department, on receipt of the proposal for establishment of a University, shall constitute an inspection/scrutiny committee consisting of senior Government officials and renowned academicians, to be notified in this behalf by the Government.

(ii) The committee shall consider the proposal and the project report on the following grounds, namely:-

(a) financial soundness and assets of the sponsoring body or its promoters and its ability to set up the infrastructure of the proposed University;

(b) background of the sponsoring body/promoters, that is to say, its expertise and experience in the field of education, its general reputation, etc., and its commitment to follow the norms of the regulating bodies;

(c) potentiality of the courses proposed to be offered, that is to say, whether the courses would be capable of developing human resources as per the requirements of contemporary demands and whether the courses have new features and include emerging branches of learning.

(iii) The committee, while considering the proposal and the project report, may call for such other information from the sponsoring body as it thinks proper for the purpose.

(iv) The committee shall submit its report to the Secretary to Government (Education) within a reasonable period.

(v) Deficiencies observed during the scrutiny, if any, shall be communicated to the sponsoring body for rectification thereof. Besides this, specific recommendations may be communicated to the sponsoring body for compliance.

(vi) The sponsoring body shall submit the report regarding rectification of deficiencies and compliance of the recommendations communicated as above.

5. *Issue of in-principle approval.*— After the receipt of the report of the committee, if the Government is satisfied that it is advisable to establish the University, a letter of intent may be issued by the Secretary to Government (Education), with the approval of the Government, and ask the sponsoring body to establish an Endowment Fund for the University which shall be pledged to the Government of Puducherry with an amount of,—

(1) *In case of multi-domain:*

(i) ₹ 4 crores for multi-domain University, in case the University is situated outside the municipal limits.

(ii) ₹ 5 crores in case the University is situated within the municipal limits.

(2) *In case of single domain:*

(a) (i) ₹ 1 crore in case the University is situated outside the municipal limits;

(ii) ₹ 1.5 crores in case the University is situated within the municipal limits;

(b) acquire a minimum of 150 acres of contiguous land, for multi-domain University and 25 acres for a single domain University, if not already available; an essentiality certificate will be issued to the sponsoring body in order to procure required land for the establishment of University campus;

(c) construct a minimum of 50,000 square meters of covered space for multi-domain and 20,000 square meters for single domain Universities for administrative purposes and for conducting academic programmes, if not already available;

(d) purchase books and journals of at least ₹ 10 lakhs or as per the norms of regulating bodies, whichever is higher, and give undertaking to invest within first three years not less than rupees 50 lakhs or as per the norms of regulating bodies, whichever is higher, on books, journals, computers, library networking and other facilities so as to make the library facilities adequate for contemporary teaching and research;

(e) purchase equipments, computers, furniture, other mobile and immobile assets and infrastructure facilities worth ₹ 20 lakhs or as per the norms of regulating bodies and give undertaking to procure within the first five years, equipments, computers, furniture, other mobile and immobile assets and infrastructure facilities [other than buildings, referred to in clause (c) above] worth not less than rupees one crore or as per the norms of regulating bodies, whichever is higher;

(f) give an undertaking to appoint at least 1 Professor, 2 Readers and adequate number of Lecturers alongwith necessary supporting staff in each department or discipline to be started by the University and in any case, not less than as prescribed by the regulating body;

(g) give an undertaking to take up co-curricular activities like seminars, debates, quiz programmes and extra-curricular activities like games, sports, National Service Scheme, National Cadet Corps, etc., for the benefit of students as per the norms laid down by the regulating bodies;

(h) give an undertaking for establishment of provident fund and to take up welfare programmes for the employees of the University;

(i) fulfill such other conditions and provide such other information as may be prescribed by the University Grants Commission, All India Council for Technical Education, NCTE, MCI, Pharmacy Council or any other statutory body established by the law of the Union or State Government;

(j) give an undertaking not to dissolve the University before 15 years of its establishment and if the University is dissolved before 15 years, all the assets of the University without liabilities and free from all encumbrances shall vest with the Government;

(k) give an undertaking that all the assets of the University without liabilities and free from all encumbrances shall vest with the Government if the University is dissolved on account of contravening any provisions of the Act, rules, statutes, ordinances, regulations, directives of the Government and other statutory bodies.

(l) give an undertaking that the University will include at least one Government representative in its Governing Body- Policy making Bodies and will abide by the Government instructions/ directives from time to time.

6. *Submission of compliance report by the sponsoring body.—*

(i) The sponsoring body shall, within a maximum period of two years, submit to the Government through the Secretary to Government (Education) an unambiguous affidavit alongwith the documents to the effect that all conditions referred to in the letter of intent have been fulfilled.

(ii) The sponsoring body will have the provision to include any additional details during the period of two years from the time, the letter of intent is issued and compliance report submitted. The amended part of the proposal will be reviewed again by the committee and approval shall be given thereafter.

7. *Compliance report verification committee.—* (i) On receiving the compliance report, the Government shall appoint a committee consisting of such members, as may be deemed necessary to verify the compliance report.

(ii) The committee will scrutinize the compliance report and point out deficiencies, if any, to the sponsoring body for removal thereof. Any additional information may be sought by the committee for scrutiny. Besides this, specific recommendations may be communicated to the sponsoring body for compliance.

(iii) The sponsoring body shall submit report to the committee regarding the removal of deficiencies and compliance of the recommendations communicated as above.

(iv) The committee shall submit its report to the Government through the Secretary to Government (Education) within a reasonable period specifying whether the sponsoring body has fulfilled the requirements and conditions laid down in the letter of intent.

8. *Procedure for withdrawal of letter of intent.*— (i) If the sponsoring body fails to comply with the provisions of letter of intent within a maximum period of two years from the date of issue of LOI, the proposal submitted shall stand rejected and the letter of intent issued to the sponsoring body shall be deemed to have been withdrawn.

(ii) However, the Government may extend the period of LOI if such request is made by the sponsoring body and the Government is satisfied in respect of the reasons given by the sponsoring body for the extension of the letter of intent.

9. *Enactment of law for private University.*— (i) After receiving a satisfactory compliance report of the sponsoring body and recommendations of the inspection committee, the Secretary to Government (Education) shall table a separate Bill, which shall be placed before the Council of Ministers for approval.

(ii) After obtaining 'in-principle' approval of the Council of Ministers, the Bill shall be presented for the approval of the Government of Puducherry.

(iii) After approval of the Government, the draft Bill shall be referred to the Government of India, seeking prior approval for introduction of the Bill in the Assembly.

(iv) After introduction and passing of the Bill, the same shall be reserved for the assent of the Hon'ble Lieutenant-Governor and the President of India.

(v) Once assent of the President is obtained, the Bill shall be notified as a separate Act for the establishment and incorporation of the particular private University, thereby enabling the Government to issue a gazette notification.

(vi) The following areas broadly need to be addressed in the Act—

- (a) Short title and commencement
- (b) Definition
- (c) Establishment of the University
- (d) Conditions for establishment of the University
- (e) Objects of the University

- (f) Powers of the University (Governance)
- (g) Admissions and Standards
- (h) Reservations Policy
- (i) Officers of the University
- (j) Authorities of the University
- (k) Powers to make Statutes
- (l) Powers to make Ordinances
- (m) Annual Report
- (n) Annual Account
- (o) Conditions for service of employees
- (p) Dispute Resolution
- (q) Constitution of Committees
- (r) Appointment Policies
- (s) Funds- Endowment, General, Maintenance
- (t) Program Fees
- (u) Various Powers of Government of Puducherry
- (v) Dissolution of University
- (w) De-recognition of University.

10. *Intimation to UGC/MHRD.*— (i) The Gazette published notification enacted for the establishment and incorporation of the particular private University, shall be sent to UGC and MHRD for information.

(ii) The sponsoring body will be further required to make an application to UGC to enlist the newly incorporated University in the UGC list of authorized Universities.

11. *Assessment by National Assessment and Accreditation Council.*— The University shall be required to get itself assessed by NAAC within three years of its establishment and fulfill all the minimum requirements/criteria laid down by various statutory bodies for respective academic programmes.

12. *Nodal department.*— The Directorate of Higher and Technical Education shall be the Nodal Department for the implementation of these guidelines.

13. *Removal of doubts.*— In case any doubt arises as to the interpretation of any of the provisions in the implementation of the above guidelines, the decision of the Lieutenant-Governor shall be final.

14. *Power to relax.*— The Government in public interest may relax any of the provisions of these guidelines in setting up of private Universities.
